

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--------------------------------------|-------------------------|
| LABORERS' PENSION FUND and) | |
| LABORERS' WELFARE FUND OF THE) | |
| HEALTH and WELFARE DEPARTMENT) | NO. 06 C 5562 |
| of the CONSTRUCTION and GENERAL) | |
| LABORERS' DISTRICT COUNCIL of) | Judge Filip |
| CHICAGO and VICINITY, and JAMES S.) | Magistrate Judge Ashman |
| JORGENSEN, ADMINISTRATOR OF THE) | |
| FUNDS,) | |
| |) |
| Plaintiffs,) | |
| v.) | |
| |) |
| GATES OJEDA'S, INC.,) | |
| |) |
| Defendant.) | |

MOTION FOR ENTRY OF JUDGMENT

NOW COMES the Plaintiff, LABORERS' PENSION FUND and LABORERS' WELFARE FUND OF THE HEALTH and WELFARE DEPARTMENT OF THE CONSTRUCTION and GENERAL LABORERS' DISTRICT COUNCIL of CHICAGO and VICINITY (collectively "The Funds") and JAMES S. JORGENSEN (hereinafter "Jorgensen"), Administrator of the Funds, by and through their attorney, MARC M. PEKAY, P.C. and hereby move for Entry of Judgment against the Defendant, Gates Ojeda's Inc., (hereinafter called the "Defendant"). In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on October 13, 2006 seeking to compel Defendant to submit their books and records to an audit upon demand by Plaintiffs since the Defendants have failed to pay contributions and union dues beginning March 22, 2006 as required under the Collective Bargaining Agreement and has failed to obtain a Bond.

2. The Defendants have not answered or responded such that this Court found the Defendant in Default on December 8, 2006.

3. The Company did submit its books and records for an audit which was completed.

4. Attached as Exhibit is the Affidavit of Jim Fosco. This affidavit states that the Defendant owes Ten Thousand One Hundred Dollars and fifty eight cents (\$10,100.58) pursuant to an audit for the time period of March 22, 2006 through December 31, 2006 which includes contributions, dues, interest, audit costs and liquidated damages. Defendant also owes Ten Thousand Dollars (\$10,000.00) for a Wage and Fringe Benefits bond (See Affidavit of Jim Fosco filed contemporaneously herewith and attached here to as Exhibit A.). In addition, the Defendant owes attorney fees and costs incurred by the Plaintiffs to collect this money in the amount of \$4,835.00. (See Exhibit B, Affidavit of Marc Pekay as attached).

WHEREFORE Plaintiffs respectfully move:

A. That a judgment be entered against Gates Ojeda, Inc. in the amount of Twenty Four Thousand Nine Hundred and Thirty Five Dollars and fifty eight cents for contributions, dues, late fees, audit costs and interest for contributions not paid from March 22, 2006 through December 31, 2006 pursuant to the audit, a \$10,000.00 wage and fringe benefit bond plus the attorney fees and costs;

B. That this Court grant Plaintiffs such additional costs and fees incurred in the collection of this Judgment.

Respectfully submitted,
LABORERS' PENSION FUND et al.,

BY: s/ IDALA H. STROUSE
MARC M. PEKAY, P.C.
One of the Attorneys for Plaintiff

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